

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-2(c)

**WASSERMAN, JURISTA & STOLZ, P.C.**

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Counsel for Edwin H. Stier,

Chapter 11 Trustee

**DONALD W. CLARKE (DC-7478)**

In Re:

**BIRDSALL SERVICES GROUP, INC., *et al.*,**

Debtors.

Case No.: 13-16743

Honorable Michael B. Kaplan

Chapter: 11

Recommended Local Form:

☐ Followed

☒ Modified

**APPLICATION FOR RETENTION OF SPECIAL TRANSACTIONAL AND  
CORPORATE COUNSEL TO CHAPTER 11 AND  
CERTIFICATE OF COMPLIANCE WITH D.N.J. LBR 2014-1(a)  
NUNC PRO TUNC TO APRIL 16, 2013**

1. The applicant, EDWIN H. STIER, is the

☒ Trustee: ☐ Chap. 7 ☐ Chap. 11 ☐ Chap. 13.

☐ Debtor: ☒ Chap. 11 ☐ Chap. 13

☐ Official Committee of \_\_\_\_\_

2. The applicant seeks to retain the following professional: Brown Moskowitz & Kallen, P.C. ("BM&K"), to serve as:

- ☐ Attorney for:      ☐ Trustee              ☐ Debtor-in-Possession  
☐ Official Committee of \_\_\_\_\_
- ☐ Accountant for:      ☐ Trustee              ☐ Debtor-in-possession  
☐ Official Committee of \_\_\_\_\_
- ✓ Other Professional:
- ☐ Realtor    ☐ Appraiser    ✓ Special Transactional  
and Corporate Counsel
- ☐ Auctioneer    ☐ Other (specify): \_\_\_\_\_

3. The employment of the professional is necessary because: the volume of transactional work to be completed and documents to be drafted in connection with the administration of this case and the sale of the Debtors is significant. While three of BM&K's principals are "of counsel" to Wasserman, Jurista & Stolz, P.C. ("WJ&S"), BM&K needs to enlist the assistance of certain associates and staff who are not "of counsel" to WJ&S.

4. The professional has been selected because: three of BMK's principals are "of counsel" to Wasserman, Jurista & Stolz, P.C., the Trustee's counsel, and have been working with the Trustee and Trustee's counsel to prepare the necessary documents in the administration of the Debtors' estates.

5. The professional services to be rendered are as follows: negotiate, draft and attend to closing of proposed purchase agreement and related documents.

6. The proposed arrangement for compensation is as follows: Partners - \$435.00/hr; Associates - \$335.00/hr; Paralegals - \$225.00/hr.

7. To the best of the applicant's knowledge, the professional's connection with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States Trustee is as follows:

☐ None

✓ Describe connection: Stuart M. Brown, Kenneth L. Moskowitz, Norman D. Kallen and Keith E. Marlowe are "of counsel" to Wasserman, Jurista & Stolz, P.C., Trustee's counsel.

8. To the best of the applicant's knowledge, the professional (check all that apply):

☐ does not hold an adverse interest to the estate.

☐ does not represent an adverse interest to the estate.

☐ is a disinterested person under 11 U.S.C. § 101(14).

✓ does not represent or hold any interest adverse to the debtor or the estate with respect to the matter for which he/she will be retained under 11 U.S.C. § 327(e).

☐ Other; explain:

**WHEREFORE**, the applicant respectfully requests authorization to employ Brown Moskowitz & Kallen, P.C. as special transactional and corporate counsel to the Chapter 11

Trustee, to render services in accordance with this application, with compensation to be paid as an administrative expense in such amounts as the Court may hereafter determine and allow.

Respectfully submitted,

By: /s/ Edwin H. Stier.  
**EDWIN H. STIER, Chapter 11 Trustee**

Dated: May 17, 2013

**CERTIFICATE OF COMPLIANCE WITH D.N.J. LBR 2014-1(a)**

I have complied with D.N.J. LBR 2014-1(a) by mailing a copy of this application to all the following who did not receive electronic notice from the Court: the United States Trustee, the Debtor and/or Debtor's attorney, the Trustee (as applicable), the Official Committees (as applicable), and others requesting notice, all of whose addresses are shown on the attached service list, by regular mail, postage prepaid, within one (1) day after filing with the Court.

Date: May 17, 2013

Signed: Betsaida Torres.  
BETHSAIDA TORRES

**BIRDSALL SERVICES GROUP, INC., et al.**  
**CASE NO. 13-16743(MBK)**  
**SERVICE LIST**

**Mitchell Hausman, Esq.**

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